

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

5

HOUSE BILL 725
Committee Substitute Favorable 6/12/13
Committee Substitute #2 Favorable 7/24/13
Fourth Edition Engrossed 5/21/14
Corrected Copy 5/22/14

Short Title: Young Offenders Rehabilitation Act.

(Public)

Sponsors:

Referred to:

April 11, 2013

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE JUVENILE JURISDICTION ADVISORY COMMITTEE,
TO CREATE A PILOT CIVIL CITATION PROCESS FOR JUVENILES, AND TO
RAISE THE AGE OF JUVENILE JURISDICTION TO INCLUDE SIXTEEN- AND
SEVENTEEN-YEAR-OLDS WHO HAVE COMMITTED MISDEMEANOR OFFENSES.

The General Assembly of North Carolina enacts:

ESTABLISH JUVENILE JURISDICTION ADVISORY COMMITTEE

SECTION 1.(a) Advisory Committee Established. – There is established within the Division of Juvenile Justice of the Department of Public Safety the Juvenile Jurisdiction Advisory Committee. The Division of Juvenile Justice shall provide professional and clerical staff and other services and supplies, including meeting space, as needed for the Advisory Committee to carry out its duties in an effective manner.

SECTION 1.(b) Membership. – The Advisory Committee shall consist of 24 members. The following members or their designees shall serve as ex officio members:

- (1) The Chief Deputy Secretary of the Division of Juvenile Justice of the Department of Public Safety.
- (2) The Director of the Administrative Office of the Courts.
- (3) The Director of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Health and Human Services.
- (4) The Chief Deputy Secretary of the Division of Adult Correction of the Department of Public Safety.
- (5) The Secretary of the Department of Public Safety.
- (6) The Superintendent of Public Instruction.
- (7) The Secretary of the Department of Administration or a designee having knowledge of programs and services for youth and young adults.
- (8) The Juvenile Defender in the Office of Indigent Defense.
- (9) One representative from the Governor's Crime Commission appointed by the Governor.
- (10) One representative from the North Carolina Sentencing and Policy Advisory Commission appointed by the Governor.

The remaining members shall be appointed as follows:



* H 7 2 5 - V - 5 *

- 1 (11) Three members of the House of Representatives appointed by the Speaker of
2 the House of Representatives.
- 3 (12) Three members of the Senate appointed by the President Pro Tempore of the
4 Senate.
- 5 (13) Two chief court counselors appointed by the Governor, one to be from a
6 rural county and one from an urban county.
- 7 (14) One present or former chief district court judge or superior court judge
8 appointed by the Chief Justice of the North Carolina Supreme Court.
- 9 (15) One police chief and one sheriff appointed by the President Pro Tempore of
10 the Senate.
- 11 (16) One district attorney appointed by the Speaker of the House of
12 Representatives.
- 13 (17) Two representatives from the juvenile advocacy community, one appointed
14 by the President Pro Tempore of the Senate and one appointed by the
15 Speaker of the House of Representatives.

16 Appointments to the Advisory Committee shall be made no later than October 1,
17 2014. A vacancy in the Advisory Committee or a vacancy as chair of the Advisory Committee
18 resulting from the resignation of a member or otherwise shall be filled in the same manner in
19 which the original appointment was made.

20 **SECTION 1.(c)** Chair; Meetings. – The President Pro Tempore of the Senate and
21 the Speaker of the House of Representatives shall each designate one member to serve as
22 cochair of the Advisory Committee.

23 The cochairs shall call the initial meeting of the Advisory Committee on or before
24 November 1, 2014. The Advisory Committee shall subsequently meet upon such notice and in
25 such manner as its members determine. A majority of the members of the Advisory Committee
26 shall constitute a quorum.

27 **SECTION 1.(d)** The Office of the Governor shall provide staff to the Advisory
28 Committee at the request of the Advisory Committee.

29 **SECTION 1.(e)** Cooperation by Government Agencies. – The Advisory
30 Committee may call upon any department, agency, institution, or officer of the State or any
31 political subdivision thereof for facilities, data, or other assistance.

32 **SECTION 1.(f)** Duties of Advisory Committee. – The Advisory Committee shall
33 develop a specific plan for the implementation of any changes in the juvenile justice system
34 that would be required in order to extend jurisdiction in delinquency matters and proceedings to
35 include 16- and 17-year-old persons charged with misdemeanor offenses within the juvenile
36 justice system. The plan shall include cost estimates for each portion of the plan, including
37 capital costs, operating costs, and staffing costs. As the expansion of the jurisdiction of the
38 Division of Juvenile Justice to include persons 16 and 17 years of age who commit crimes or
39 infractions becomes effective pursuant to this act, the Advisory Committee shall monitor and
40 review the implementation of the expansion and shall make additional recommendations to the
41 General Assembly as necessary.

42 **SECTION 1.(g)** Establishment of Subcommittee. – The cochairs of the Advisory
43 Committee shall establish a Juvenile Civil Citation Subcommittee to develop and implement a
44 juvenile civil citation process for purposes of providing an efficient and innovative alternative
45 to custody for juveniles who commit nonserious delinquent acts and to ensure swift and
46 appropriate consequences. The Subcommittee shall be created no later than January 1, 2015,
47 and shall consist of seven members as follows:

- 48 (1) The Chief Deputy Secretary of the Division of Juvenile Justice of the
49 Department of Public Safety or the Chief Deputy Secretary's designee.
- 50 (2) A chief district court judge.
- 51 (3) A district attorney.

- 1 (4) A head of a county or municipal law enforcement agency.
- 2 (5) The Juvenile Defender in the Office of Indigent Services or the Juvenile
- 3 Defender's designee.
- 4 (6) A chief court counselor.
- 5 (7) A representative of a juvenile services program provider.

6 The Subcommittee shall review civil citation programs in other states and shall
7 develop and submit a proposed process and implementation plan for a juvenile civil citation
8 program in this State to the Advisory Committee no later than July 1, 2015. Upon approval of
9 the plan by the Advisory Committee, the Subcommittee shall oversee a two-year pilot program
10 of the juvenile civil citation program in at least three, but no more than six, counties chosen by
11 the Subcommittee.

12 Upon completion of the two-year pilot program, but no later than January 15, 2018,
13 the Subcommittee shall submit a report of the status of the program, a plan for implementing
14 the program statewide, and its findings and recommendations, including legislative,
15 administrative, and funding recommendations for implementation of the program statewide, to
16 the Advisory Committee.

17 Upon approval of the statewide implementation plan, the Subcommittee shall
18 establish a juvenile civil citation program within every county in the State by July 1, 2019. The
19 Advisory Committee shall recommend to the General Assembly any legislation needed to
20 facilitate the establishment of a juvenile civil citation program as a statewide program.

21 **SECTION 1.(h) Consultation.** – The Advisory Committee shall consult with
22 appropriate State departments, agencies, and board representatives on issues related to juvenile
23 justice administration.

24 **SECTION 1.(i) Report.** – The Advisory Committee shall submit an interim report
25 containing the specific plan and the cost estimates for capital, operating, and staffing costs for
26 implementation of this act, and including legislative, administrative, and funding
27 recommendations necessary to implement the increase in juvenile jurisdiction to include 16-
28 and 17-year-old persons charged with misdemeanor offenses by January 15, 2017, to the
29 General Assembly with copies to the Joint Legislative Oversight Committee on Justice and
30 Public Safety and to the Appropriations Subcommittees on Justice and Public Safety of both
31 houses. The Advisory Committee shall submit additional interim reports with updates on the
32 planning steps completed towards implementation, and including any legislative,
33 administrative, and funding recommendations, annually by January 15 of each year. The
34 Advisory Committee shall submit a final report on the implementation of this act, and of its
35 findings and recommendations, including legislative, administrative, and funding
36 recommendations, by January 15, 2022, to the General Assembly and the Governor. The
37 Advisory Committee shall terminate upon filing its final report.

38 **SECTION 1.(j) Funding.** – The Advisory Committee may apply for, receive, and
39 accept grants of non-State funds or other contributions as appropriate to assist in the
40 performance of its duties. The Division of Juvenile Justice of the Department of Public Safety
41 shall use up to twenty-five thousand dollars (\$25,000) of funds appropriated to it to develop
42 and implement the plan required by this section.

43 **INCREASE JUVENILE JURISDICTION**

44 **SECTION 2.(a)** Effective July 1, 2019, G.S. 7B-1501(7) reads as rewritten:

45 "(7) Delinquent juvenile. –

- 46 a. Any juvenile who, while less than 16 years of age but at least 6 years
- 47 of age, commits a crime or infraction under State law or under an
- 48 ordinance of local government, including violation of the motor
- 49 vehicle laws, or who commits indirect contempt by a juvenile as
- 50 defined in ~~G.S. 5A-31~~G.S. 5A-31; or
- 51

- 1 b. Any juvenile who, while less than 17 years of age but at least 16
2 years of age, commits a misdemeanor or infraction under State law or
3 under an ordinance of local government, excluding violation of the
4 motor vehicle laws or any offense under Article 13A of Chapter 14
5 of the General Statutes, or who commits indirect contempt by a
6 juvenile as defined in G.S. 5A-31."

7 **SECTION 2.(b)** Effective July 1, 2020, G.S. 7B-1501(7) reads as rewritten:

8 "(7) Delinquent juvenile. –

- 9 a. Any juvenile who, while less than 16 years of age but at least 6 years
10 of age, commits a crime or infraction under State law or under an
11 ordinance of local government, including violation of the motor
12 vehicle laws, or who commits indirect contempt by a juvenile as
13 defined in G.S. 5A-31; or
14 b. Any juvenile who, while less than ~~17~~18 years of age but at least 16
15 years of age, commits a misdemeanor or infraction under State law or
16 under an ordinance of local government, excluding violation of the
17 motor vehicle laws, or who commits indirect contempt by a juvenile
18 as defined in G.S. 5A-31."

19 **SECTION 3.** Effective July 1, 2019, G.S. 7B-1501(11) reads as rewritten:

20 "(11) Holdover facility. – A place located in a jail-jail, which has been approved
21 by the Department of Health and Human Services as meeting the State
22 standards for ~~detention~~the operation of local confinement facilities, as
23 required in ~~G.S. 153A-221~~G.S. 153A-221, providing close supervision
24 where ~~the~~a juvenile cannot converse with, see, or be seen by the adult
25 population."

26 **SECTION 4.(a)** Effective July 1, 2019, G.S. 7B-1601 reads as rewritten:

27 **"§ 7B-1601. Jurisdiction over delinquent juveniles.**

28 (a) The court has exclusive, original jurisdiction over any case involving a juvenile who
29 is alleged to be delinquent. For purposes of determining jurisdiction, the age of the juvenile at
30 the time of the alleged offense governs.

31 (b) When the court obtains jurisdiction over a juvenile alleged to be
32 ~~delinquent~~delinquent for an offense committed prior to the juvenile reaching the age of 16
33 years, jurisdiction shall continue until terminated by order of the court or until the juvenile
34 reaches the age of 18 years, except as provided otherwise in this Article.

35 **(b1)** When the court obtains jurisdiction over a juvenile alleged to be delinquent for an
36 offense that would be a misdemeanor offense if committed by an adult and the offense was
37 committed while the juvenile was at least 16 years of age, jurisdiction shall continue until
38 terminated by order of the court or until the juvenile reaches the age of 19 years.

39 (c) When delinquency ~~proceedings~~proceedings for a juvenile alleged to be delinquent
40 for an offense committed prior to the juvenile reaching the age of 16 years cannot be concluded
41 before the juvenile reaches the age of 18 years, the court retains jurisdiction for the sole
42 purpose of conducting proceedings pursuant to Article 22 of this Chapter and either transferring
43 the case to superior court for trial as an adult or dismissing the petition.

44 **(c1)** When delinquency proceedings for a juvenile alleged to be delinquent for an offense
45 committed while the juvenile was at least 16 years of age cannot be concluded before the
46 juvenile reaches the age of 19 years, the court retains jurisdiction for the sole purpose of
47 dismissing the petition.

48 (d) When the court has not obtained jurisdiction over a juvenile before the juvenile
49 reaches the age of 18, for a felony and any related misdemeanors the juvenile allegedly
50 committed on or after the juvenile's thirteenth birthday and prior to the juvenile's sixteenth
51 birthday, the court has jurisdiction for the sole purpose of conducting proceedings pursuant to

1 Article 22 of this Chapter and either transferring the case to superior court for trial as an adult
2 or dismissing the petition.

3 (e) The court has jurisdiction over delinquent juveniles in the custody of the Division
4 and over proceedings to determine whether a juvenile who is under the post-release supervision
5 of the juvenile court counselor has violated the terms of the juvenile's post-release supervision.

6 (f) The court has jurisdiction over persons 18 years of age or older who are under the
7 extended jurisdiction of the juvenile court.

8 (g) The court has jurisdiction over the parent, guardian, or custodian of a juvenile who
9 is under the jurisdiction of the court pursuant to this section if the parent, guardian, or custodian
10 has been served with a summons pursuant to G.S. 7B-1805."

11 **SECTION 4.(b)** Effective July 1, 2020, G.S. 7B-1601(b1) reads as rewritten:

12 "(b1) When the court obtains jurisdiction over a juvenile alleged to be delinquent for an
13 offense that would be a misdemeanor offense if committed by an adult and the offense was
14 committed while the juvenile was at least 16 years of ~~age,age~~ but less than 17 years of ~~age,~~
15 jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the
16 age of 19 years. If the offense was committed while the juvenile was at least 17 years of age,
17 jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the
18 age of 20 years."

19 **SECTION 4.(c)** Effective July 1, 2020, G.S. 7B-1601(c1) reads as rewritten:

20 "(c1) When delinquency proceedings, for a juvenile alleged to be delinquent for an
21 offense committed while the juvenile was at least 16 years of ~~age,age~~ but less than 17 years of
22 ~~age~~ cannot be concluded before the juvenile reaches the age of 19 years, the court retains
23 jurisdiction for the sole purpose of dismissing the petition. When delinquency proceedings for a
24 juvenile alleged to be delinquent for an offense committed while the juvenile was at least 17
25 years of age cannot be concluded before the juvenile reaches the age of 20 years, the court
26 retains jurisdiction for the sole purpose of dismissing the petition."

27 **SECTION 5.(a)** Effective July 1, 2019, G.S. 7B-1604 reads as rewritten:

28 "**§ 7B-1604. Limitations on juvenile court jurisdiction.**

29 (a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who
30 commits a criminal offense on or after the ~~juvenile's sixteenth birthday~~ juvenile has reached the
31 age of 17 years is subject to prosecution as an adult. A juvenile who is emancipated shall be
32 prosecuted as an adult for the commission of a criminal offense.

33 (b) A juvenile (i) who is transferred to and convicted in superior ~~court~~ court or (ii) who
34 has previously been convicted in either district or superior court for a felony, including a
35 violation of the motor vehicle laws under State law, shall be prosecuted as an adult for any
36 criminal offense the juvenile commits after the district or superior court conviction."

37 **SECTION 5.(b)** Effective July 1, 2020, G.S. 7B-1604(a) reads as rewritten:

38 "(a) Any juvenile, including a juvenile who is under the jurisdiction of the court, who
39 commits a criminal offense on or after the juvenile has reached the age of ~~17-18~~ years is subject
40 to prosecution as an adult. A juvenile who is emancipated shall be prosecuted as an adult for
41 the commission of a criminal offense."

42 **SECTION 6.** Effective July 1, 2019, G.S. 7B-1901(a) reads as rewritten:

43 "(a) A person who takes a juvenile into custody without a court order under
44 G.S. 7B-1900(1) or (2) shall proceed as follows:

45 (1) Notify the juvenile's parent, guardian, or custodian that the juvenile has been
46 taken into temporary custody and advise the parent, guardian, or custodian
47 of the right to be present with the juvenile until a determination is made as to
48 the need for secure or nonsecure custody. Failure to notify the parent,
49 guardian, or custodian that the juvenile is in custody shall not be grounds for
50 release of the juvenile.

(2) Unless otherwise authorized in subdivision (2a) of this subsection, releaseRelease the juvenile to the juvenile's parent, guardian, or custodian if the person having the juvenile in temporary custody decides that continued custody is unnecessary. In the case of a juvenile unlawfully absent from school, if continued custody is unnecessary, the person having temporary custody may deliver the juvenile to the juvenile's school or, if the local city or county government and the local school board adopt a policy, to a place in the local school administrative unit.

(2a) If the juvenile is at least 16 years old and is taken into custody without a court order pursuant to G.S. 7B-1900(1), if the person having the juvenile in temporary custody, while exercising reasonable discretion, decides that continued custody is unnecessary, the juvenile may be released without the presence of the juvenile's parent, guardian, or custodian.

(3) If the juvenile is not released, request that a petition be drawn pursuant to G.S. 7B-1803 or G.S. 7B-1804. Once the petition has been drawn and verified, the person shall communicate with the juvenile court counselor. If the juvenile court counselor approves the filing of the petition, the juvenile court counselor shall contact the judge or the person delegated authority pursuant to G.S. 7B-1902 if other than the juvenile court counselor, for a determination of the need for continued custody."

SECTION 7. Effective July 1, 2019, G.S. 7B-2506 reads as rewritten:

"§ 7B-2506. Dispositional alternatives for delinquent juveniles.

The court exercising jurisdiction over a juvenile who has been adjudicated delinquent may use the following alternatives in accordance with the dispositional structure set forth in G.S. 7B-2508:

(1) In the case of any juvenile under the age of 18 years who needs more adequate care or supervision or who needs placement, the judge may:

...

(2) Excuse ~~the~~a juvenile under the age of 16 years from compliance with the compulsory school attendance law when the court finds that suitable alternative plans can be arranged by the family through other community resources for one of the following:

- a. An education related to the needs or abilities of the juvenile including vocational education or special education;
- b. A suitable plan of supervision or placement; or
- c. Some other plan that the court finds to be in the best interests of the juvenile.

(3) Order the juvenile to cooperate with a community-based program, an intensive substance abuse treatment program, or a residential or nonresidential treatment program. ~~Participation in the programs shall not exceed 12 months.~~

...."

SECTION 8. Effective July 1, 2019, G.S. 7B-2507 reads as rewritten:

"§ 7B-2507. Delinquency history levels.

(a) Generally. – The delinquency history level for a delinquent juvenile is determined by calculating the sum of the points assigned to each of the juvenile's prior adjudications or convictions and to the juvenile's probation status, if any, that the court finds to have been proved in accordance with this section.

(b) Points. – Points are assigned as follows:

(1) For each prior adjudication of a Class A through E felony offense, 4 points.

- 1 (2) For each prior adjudication of a Class F through I felony offense or Class A1
2 misdemeanor offense, 2 points.
- 3 (2a) For each prior conviction of a Class A1 misdemeanor, excluding conviction
4 for violation of the motor vehicle laws, 2 points.
- 5 (2b) For each prior misdemeanor conviction of impaired driving (G.S. 20-138.1),
6 impaired driving in a commercial vehicle (G.S. 20-138.2), and misdemeanor
7 death by vehicle (G.S. 20-141.4(a2)), 2 points.
- 8 (3) For each prior adjudication of a Class 1, 2, or 3 misdemeanor offense, 1
9 point.
- 10 (3a) For each prior conviction of a Class 1, 2, or 3 misdemeanor offense,
11 excluding conviction for violation of the motor vehicle laws, 1 point.
- 12 (4) If the juvenile was on probation at the time of offense, 2 points.

13 No points shall be assigned for a prior adjudication that a juvenile is in direct contempt of
14 court or indirect contempt of court.

15 (c) Delinquency History Levels. – The delinquency history levels are:

- 16 (1) Low – No more than 1 point.
- 17 (2) Medium – At least 2, but not more than 3 points.
- 18 (3) High – At least 4 points.

19 In determining the delinquency history level, the classification of a prior offense is the
20 classification assigned to that offense at the time the juvenile committed the offense for which
21 disposition is being ordered.

22 (d) Multiple Prior Adjudications or Convictions Obtained in One Court Session. – For
23 purposes of determining the delinquency history level, if a juvenile is adjudicated delinquent or
24 convicted for more than one offense in a single session of district court, only the adjudication
25 or conviction for the offense with the highest point total is used.

26 (e) Classification of Prior Adjudications or Convictions From Other Jurisdictions. –
27 Except as otherwise provided in this subsection, an adjudication or conviction occurring in a
28 jurisdiction other than North Carolina is classified as a Class I felony if the jurisdiction in
29 which the offense occurred classifies the offense as a felony, or is classified as a Class 3
30 misdemeanor if the jurisdiction in which the offense occurred classifies the offense as a
31 misdemeanor. If the juvenile proves by the preponderance of the evidence that an offense
32 classified as a felony in the other jurisdiction is substantially similar to an offense that is a
33 misdemeanor in North Carolina, the adjudication or conviction is treated as that class of
34 misdemeanor for assigning delinquency history level points. If the State proves by the
35 preponderance of the evidence that an offense classified as either a misdemeanor or a felony in
36 the other jurisdiction is substantially similar to an offense in North Carolina that is classified as
37 a Class I felony or higher, the adjudication or conviction is treated as that class of felony for
38 assigning delinquency history level points. If the State proves by the preponderance of the
39 evidence that an offense classified as a misdemeanor in the other jurisdiction is substantially
40 similar to an offense classified as a Class A1 misdemeanor in North Carolina, the adjudication
41 or conviction is treated as a Class A1 misdemeanor for assigning delinquency history level
42 points.

43 (f) ~~Proof of Prior Adjudications.~~ Adjudications or Convictions. – A prior adjudication or
44 conviction shall be proved by any of the following methods:

- 45 (1) Stipulation of the parties.
- 46 (2) An original or copy of the court record of the prior ~~adjudication.~~ adjudication
47 or conviction.
- 48 (3) A copy of records maintained by the Division of Criminal Information or by
49 the Division.
- 50 (4) Any other method found by the court to be reliable.

1 The State bears the burden of proving, by a preponderance of the evidence, that a prior
2 adjudication or conviction exists and that the juvenile before the court is the same person as the
3 juvenile named in the prior ~~adjudication~~ adjudication or conviction. The original or a copy of
4 the court records or a copy of the records maintained by the Division of Criminal Information
5 or of the Division, bearing the same name as that by which the juvenile is charged, is prima
6 facie evidence that the juvenile named is the same person as the juvenile before the court, and
7 that the facts set out in the record are true. For purposes of this subsection, "a copy" includes a
8 paper writing containing a reproduction of a record maintained electronically on a computer or
9 other data processing equipment, and a document produced by a facsimile machine. The
10 prosecutor shall make all feasible efforts to obtain and present to the court the juvenile's full
11 record. Evidence presented by either party at trial may be utilized to prove prior
12 ~~adjudications~~ adjudications or convictions. If asked by the juvenile, the prosecutor shall furnish
13 the juvenile's prior adjudications or convictions to the juvenile within a reasonable time
14 sufficient to allow the juvenile to determine if the record available to the prosecutor is
15 accurate."

16 **SECTION 9.(a)** Effective July 1, 2019, G.S. 7B-2513(a) reads as rewritten:

17 "(a) Pursuant to G.S. 7B-2506 and G.S. 7B-2508, the court may commit a delinquent
18 juvenile who is at least 10 years of age to the Division for placement in a youth development
19 center. Commitment shall be for an indefinite term of at least six months.

20 (a1) In no event shall the term exceed: For an offense the juvenile committed prior to
21 reaching the age of 16 years, the term shall not exceed:

- 22 (1) The twenty-first birthday of the juvenile if the juvenile has been committed
23 to the Division for an offense that would be first-degree murder pursuant to
24 G.S. 14-17, first-degree rape pursuant to G.S. 14-27.2, or first-degree sexual
25 offense pursuant to G.S. 14-27.4 if committed by an adult;
- 26 (2) The nineteenth birthday of the juvenile if the juvenile has been committed to
27 the Division for an offense that would be a Class B1, B2, C, D, or E felony if
28 committed by an adult, other than an offense set forth in subdivision (1) of
29 this subsection; or
- 30 (3) The eighteenth birthday of the juvenile if the juvenile has been committed to
31 the Division for an offense other than an offense that would be a Class A,
32 B1, B2, C, D, or E felony if committed by an adult.

33 (a2) For an offense the juvenile committed while the juvenile was at least 16 years of
34 age, the term shall not exceed the juvenile's 19th birthday.

35 (a3) Reserved.

36 (a4) No juvenile shall be committed to a youth development center beyond the minimum
37 six-month commitment for a period of time in excess of the maximum term of imprisonment
38 for which an adult in prior record level VI for felonies or in prior conviction level III for
39 misdemeanors could be sentenced for the same offense, except when the Division pursuant to
40 G.S. 7B-2515 determines that the juvenile's commitment needs to be continued for an
41 additional period of time to continue care or treatment under the plan of care or treatment
42 developed under subsection (f) of this section. At the time of commitment to a youth
43 development center, the court shall determine the maximum period of time the juvenile may
44 remain committed before a determination must be made by the Division pursuant to
45 G.S. 7B-2515 and shall notify the juvenile of that determination."

46 **SECTION 9.(b)** Effective July 1, 2020, G.S. 7B-2513(a2) reads as rewritten:

47 "(a2) For an offense the juvenile committed while the juvenile was at least 16 years of age
48 but less than 17 years of age, the term shall not exceed the juvenile's 19th birthday."

49 **SECTION 9.(c)** Effective July 1, 2020, G.S. 7B-2513(a3) reads as rewritten:

50 "(a3) For an offense the juvenile committed while the juvenile was at least 17 years of
51 age, the term shall not exceed the juvenile's 20th birthday."

1 **SECTION 10.** Effective July 1, 2019, G.S. 7B-2515(a) reads as rewritten:

2 "(a) In determining whether a juvenile who was committed to the Division for an offense
3 that was committed prior to the juvenile reaching the age of 16 years should be released before
4 the juvenile's 18th birthday, the Division shall consider the protection of the public and the
5 likelihood that continued placement will lead to further rehabilitation. If the Division does not
6 intend to release the juvenile who was committed for an offense that was committed prior to the
7 juvenile reaching the age of 16 years prior to the juvenile's eighteenth birthday, or if the
8 Division determines that the juvenile's commitment should be continued beyond the maximum
9 commitment period as set forth in ~~G.S. 7B-2513(a)~~, G.S. 7B-2513(a1), the Division shall notify
10 the juvenile and the juvenile's parent, guardian, or custodian in writing at least 30 days in
11 advance of the juvenile's eighteenth birthday or the end of the maximum commitment period,
12 of the additional specific commitment period proposed by the Division, the basis for extending
13 the commitment period, and the plan for future care or treatment."

14 **SECTION 11.** Effective July 1, 2019, G.S. 7B-2603(b) reads as rewritten:

15 "(b) Once an order of transfer has been entered by the district court, the juvenile has the
16 right to be considered for pretrial release as provided in G.S. 15A-533 and G.S. 15A-534.
17 Pending release, the juvenile shall be detained pursuant to G.S. 7B-2204.~~The release order shall~~
18 ~~specify the person or persons to whom the juvenile may be released. Pending release, the court~~
19 ~~shall order that the juvenile be detained in a detention facility while awaiting trial. The court~~
20 ~~may order the juvenile to be held in a holdover facility as defined by G.S. 7B-1501 at any time~~
21 ~~the presence of the juvenile is required in court for pretrial hearings or trial, if the court finds~~
22 ~~that it would be inconvenient to return the juvenile to the detention facility."~~

23 **SECTION 12.(a)** Effective July 1, 2019, the introductory language of
24 G.S. 5A-31(a) reads as rewritten:

25 "(a) Each of the following, when done by an unemancipated minor who (i) is at least six
26 years of age, (ii) is not yet ~~16-17~~ years of age, and (iii) has not been convicted of any crime in
27 superior court, is contempt by a juvenile:"

28 **SECTION 12.(b)** Effective July 1, 2020, the introductory language of
29 G.S. 5A-31(a) reads as rewritten:

30 "(a) Each of the following, when done by an unemancipated minor who (i) is at least six
31 years of age, (ii) is not yet ~~17-18~~ years of age, and (iii) has not been convicted of any crime in
32 superior court, is contempt by a juvenile:"

33 **SECTION 13.(a)** Effective July 1, 2019, G.S. 5A-34(b) reads as rewritten:

34 "(b) The provisions of Article 1 and Article 2 of this Chapter apply to acts or omissions
35 by a minor who:

- 36 (1) Is ~~16-17~~ years of age or older;
37 (2) Is married or otherwise emancipated; or
38 (3) Before the act or omission, was convicted in superior court of any criminal
39 offense."

40 **SECTION 13.(b)** Effective July 1, 2020, G.S. 5A-34(b) reads as rewritten:

41 "(b) The provisions of Article 1 and Article 2 of this Chapter apply to acts or omissions
42 by a minor who:

- 43 ~~(1) Is 17 years of age or older;~~
44 (2) Is married or otherwise emancipated; or
45 (3) Before the act or omission, was convicted in superior court of any criminal
46 offense."

47 **SECTION 14.(a)** Effective July 1, 2019, G.S. 143B-805(6) reads as rewritten:

48 "(6) Delinquent juvenile. –

- 49 a. Any juvenile who, while less than 16 years of age but at least 6 years
50 of age, commits a crime or infraction under State law or under an

1 ordinance of local government, including violation of the motor
2 vehicle ~~laws-laws; or~~

- 3 b. Any juvenile who, while less than 17 years of age but at least 16
4 years of age, commits a misdemeanor or infraction under State law or
5 under an ordinance of local government, excluding violation of the
6 motor vehicle laws or any offense under Article 13A of Chapter 14
7 of the General Statutes."

8 **SECTION 14.(b)** Effective July 1, 2020, G.S. 143B-805(6) reads as rewritten:

9 "(6) Delinquent juvenile. –

- 10 a. Any juvenile who, while less than 16 years of age but at least 6 years
11 of age, commits a crime or infraction under State law or under an
12 ordinance of local government, including violation of the motor
13 vehicle laws; or
14 b. Any juvenile who, while less than ~~17~~18 years of age but at least 16
15 years of age, commits a misdemeanor or infraction under State law or
16 under an ordinance of local government, excluding violation of the
17 motor vehicle laws."

18 **SECTION 15.** Effective July 1, 2019, G.S. 143B-806(b) reads as rewritten:

19 "(b) The Secretary shall have the following powers and duties:

20 ...

21 (20) Provide for the transportation to and from any State or local juvenile facility
22 of any person under the jurisdiction of the juvenile court for any purpose
23 required by Chapter 7B of the General Statutes or upon order of the court."

24 **SECTION 16.(a)** Effective July 1, 2019, G.S. 14-316.1 reads as rewritten:

25 **"§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

26 Any person who is at least ~~16~~17 years old who knowingly or willfully causes, encourages,
27 or aids any juvenile within the jurisdiction of the court to be in a place or condition, or to
28 commit an act whereby the juvenile could be adjudicated delinquent, undisciplined, abused, or
29 neglected as defined by G.S. 7B-101 and G.S. 7B-1501 shall be guilty of a Class 1
30 misdemeanor.

31 It is not necessary for the district court exercising juvenile jurisdiction to make an
32 adjudication that any juvenile is delinquent, undisciplined, abused, or neglected in order to
33 prosecute a parent or any person, including an employee of the Division of Juvenile Justice of
34 the Department of Public Safety under this section. An adjudication that a juvenile is
35 delinquent, undisciplined, abused, or neglected shall not preclude a subsequent prosecution of a
36 parent or any other person including an employee of the Division of Juvenile Justice of the
37 Department of Public Safety, who contributes to the delinquent, undisciplined, abused, or
38 neglected condition of any juvenile."

39 **SECTION 16.(b)** Effective July 1, 2020 G.S. 14-316.1 reads as rewritten:

40 **"§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

41 Any person who is at least ~~17~~18 years old who knowingly or willfully causes, encourages,
42 or aids any juvenile within the jurisdiction of the court to be in a place or condition, or to
43 commit an act whereby the juvenile could be adjudicated delinquent, undisciplined, abused, or
44 neglected as defined by G.S. 7B-101 and G.S. 7B-1501 shall be guilty of a Class 1
45 misdemeanor.

46 It is not necessary for the district court exercising juvenile jurisdiction to make an
47 adjudication that any juvenile is delinquent, undisciplined, abused, or neglected in order to
48 prosecute a parent or any person, including an employee of the Division of Juvenile Justice of
49 the Department of Public Safety under this section. An adjudication that a juvenile is
50 delinquent, undisciplined, abused, or neglected shall not preclude a subsequent prosecution of a
51 parent or any other person including an employee of the Division of Juvenile Justice of the

1 Department of Public Safety, who contributes to the delinquent, undisciplined, abused, or
2 neglected condition of any juvenile."

3 **SECTION 17.(a)** Effective July 1, 2019, G.S. 7B-2200 reads as rewritten:

4 "**§ 7B-2200. Transfer of jurisdiction of juvenile to superior ~~court~~ court; transfer of**
5 **jurisdiction to district criminal court.**

6 (a) After notice, hearing, and a finding of probable cause the court may, upon motion of
7 the prosecutor or the juvenile's attorney or upon its own motion, transfer jurisdiction over a
8 juvenile to superior court if the juvenile was 13 years of age or older at the time the juvenile
9 allegedly committed an offense that would be a felony if committed by an adult. If the alleged
10 felony constitutes a Class A felony and the court finds probable cause, the court shall transfer
11 the case to the superior court for trial as in the case of adults.

12 (b) After notice, hearing, and a finding that the juvenile is a member of a street gang as
13 defined in G.S. 14-50.16, upon motion of the prosecutor or the juvenile's attorney or upon its
14 own motion, the court shall transfer jurisdiction over a juvenile from the juvenile court to
15 district criminal court if the juvenile was at least 16 years of age at the time the juvenile
16 allegedly committed an offense that would be a misdemeanor if committed by an adult,
17 provided the alleged offense is related to the juvenile's membership in a gang."

18 **SECTION 17.(b)** Effective July 1, 2019, Article 22 of Chapter 7B of the General
19 Statutes is amended by adding a new section to read:

20 "**§ 7B-2203.1. Hearing to determine street gang membership.**

21 Upon motion by the prosecutor or the juvenile's attorney asserting that a juvenile that was at
22 least 16 years of age at the time the juvenile allegedly committed an offense that would be a
23 misdemeanor if committed by an adult is a member of a street gang as defined in
24 G.S. 14-50.16, the court shall conduct a hearing to determine whether the juvenile is a member
25 of a street gang, and to determine whether the alleged offense is related to the juvenile's
26 membership in a gang. The juvenile shall receive notice of the hearing at least five days prior to
27 the hearing. At the hearing, the prosecutor and the juvenile may be heard and may offer
28 evidence, and the juvenile's attorney may examine any court or probation records, or other
29 records the court may consider in determining whether the juvenile is a member of a street
30 gang, and to determine whether the alleged offense is related to the juvenile's membership in a
31 gang. If the court finds by a preponderance of the evidence that the juvenile is a member of a
32 street gang, and to determine whether the alleged offense is related to the juvenile's
33 membership in a gang, the court shall transfer the juvenile as provided in G.S. 7B-2200(b)."

34 35 **EFFECTIVE DATE**

36 **SECTION 18.** Except as otherwise provided in this act, this act is effective when it
37 becomes law. Prosecutions or delinquency proceedings initiated for offenses committed before
38 any particular section of this act becomes effective are not abated or affected by this act, and
39 the statutes that are in effect on the dates the offenses are committed remain applicable to those
40 prosecutions.